

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

CSX TRANSPORTATION, INC.,  
individually and on behalf of NORFOLK  
& PORTSMOUTH BELT LINE  
RAILROAD COMPANY,

Plaintiff,

v.

Civil Action No. 2:18cv530

NORFOLK SOUTHERN RAILWAY  
COMPANY, NORFOLK & PORTSMOUTH  
BELT LINE RAILROAD COMPANY,  
JERRY HALL, THOMAS HURLBUT,  
PHILIP MERILLI, and CANNON MOSS,

Defendants.

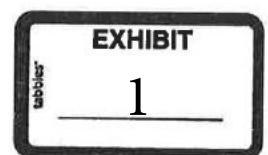
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**PLAINTIFF CSX TRANSPORTATION, INC.'S OBJECTIONS  
AND RESPONSE TO DEFENDANT  
NORFOLK SOUTHERN RAILWAY COMPANY'S SECOND INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Local Rule 26, the ESI Order, and the Stipulated Protective Order entered in the above-captioned action, Plaintiff, CSX Transportation, Inc. ("CSXT" or "Plaintiff"), by counsel, states as follows for its objections and response to Defendant Norfolk Southern Railway Company's ("NSR") Second Interrogatories (the "Interrogatories").

**RESERVATION OF RIGHTS**

Plaintiff's objections are based on the facts presently known to Plaintiff based on a good faith investigation to respond to NSR's Interrogatories. As discovery progresses, Plaintiff may supplement or change its objections to NSR's Interrogatories with any non-privileged information as appropriate under the Federal Rules of Civil Procedure and/or the Local Rules of this Court.



**SUBJECT TO PROTECTIVE ORDER - CONFIDENTIAL**

**SECOND INTERROGATORIES**

**INTERROGATORY NO. 9:**

Describe any and all forms of non-monetary relief you seek in this case. Without limiting the generality of this request, include in your answer a description in detail of any forms of relief you intend to seek that would, directly or indirectly, affect, set, cap, or control the amount of the NPBL Switch Rate or the NSR Trackage Rights Fee.

**OBJECTION:** CSXT objects to this Interrogatory to the extent it seeks information protected by the attorney/client privilege, work product doctrine, or any other privilege that protects against disclosure of such information.

**ANSWER:** Without waiver of its objections, CSXT states that discovery is continuing and therefore CSXT is making a preliminary answer. CSXT seeks an order from the Court to prevent NSR and NPBL from continuing to carry out any violations of federal or state law, including antitrust or business conspiracy. CSXT seeks an order restoring CSXT's shareholder rights, and/or establishing an independent board structure of the NPBL. CSXT also seeks an order directing NPBL to approve CSXT's Service Proposal.

Investigation is ongoing, and CSXT reserves the right to supplement and/or amend this answer as documents and evidence are provided in discovery in this Action.

**SUBJECT TO PROTECTIVE ORDER - CONFIDENTIAL**

**CSX TRANSPORTATION, INC.**

*By Counsel*



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